

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

CWP No. 529 of 2006

Date of decision: 5th December, 2006

Shaliza Katoch Petitioner

Versus

State of H P & others Respondents

Coram:

The Hon'ble Mr.Justice Deepak Gupta, J.

The Hon'ble Mr Justice S S Thakur, J.

Whether approved for reporting ?¹

For the Petitioner:	Mr. Rahul Mahajan, Advocate.
For respondent No.1	Mr M S Chandel, Advocate General, with Mr Ram Murti Bisht, Deputy Advocate General.
For respondent No.2	Mr Lovneesh Kanwar, Advocate.
For respondents No.3 and 4	Mr K D Sood, AND Rajnish K Lal, Advocates.

Deepak Gupta, J. *(Oral)*

The petitioner had passed her Matriculation examination from the Central Board of Secondary Education in the year 2005. Admittedly, the petitioner had not appeared for the subject of Hindi. The petitioner applied for admission in 10+1 class in the St. Bede's College. This College is affiliated for 10+1 and 10+2 with the H P Board of School Education. In the prospectus of the College,

¹ *Whether the reporters of Local Papers may be allowed to see the judgment ?*

it was clearly mentioned that a candidate could be admitted in Class XI, if she had passed the Matriculation or Higher Secondary Part-I Examination of the Board of School Education, Himachal Pradesh (hereinafter referred to as "the Board") or any other examination so recognized by the Board as equivalent to above, provided that the candidate must have passed in the subjects of English, Mathematics, Hindi and Science / Social Science. Since the petitioner had not passed the examination in Hindi, she was granted provisional admission in the College. The fact that she was granted provisional admission is apparent from the Admission Form (Annexure R-4/2).

The Board in its reply has annexed Regulations relating to the admission to class 10+1 Examination and the relevant portion reads as under:

"A Candidate who has passed Matriculation Examination without English or Mathematics or Hindi from any other recognized Board/University shall have to qualify that subject before or simultaneously. Such candidates shall be admitted in 10+1 class provisionally after fulfilling codal formalities for admission."

Since, as per the Regulations of the Board, it was necessary for the candidate granted provisional admission to pass in the subject, in which the said candidate had not appeared while passing the equivalent examination from any other Board, the Board sent a letter to the Principal of St.Bede's College (Annexure R-2/3), in which names of seven candidates including the petitioner were mentioned. It was specifically stated that the petitioner has to pass in the subject of Hindi. In this letter, addressed by the Assistant Secretary of the Board to the Principal, St.Bede's College, it was specifically mentioned that "*the candidates who have not passed English, Hindi or Maths in Matriculation shall have to pass this subject simultaneously or before Plus One exam otherwise his/her result for Plus One exam shall be cancelled*". It is thus clear that respondent No.4 was informed by respondent No.2 that the candidate had to pass in the requisite subject simultaneously or before Plus one examination is held. Thereafter in another letter, dated 26th December, 2005, (Annexure R-2/4), addressed by the Principal, St.Bede's College to the Assistant Secretary of the Board, it was mentioned that out of seven candidates referred to in the letter Annexure R-2/3, one candidate namely Ridhi Kapoor had left the

Institution and the remaining six candidates, (including the petitioner) would be appearing in the examination simultaneously with the Class XI examination. Admitted case is that the petitioner did not appear in the Hindi examination simultaneously with the examination held for 10+1. Since she had not cleared the subject of Hindi her result for class 10+1 was withheld.

It is contended on behalf of the petitioner that she was not aware about the Rules and Regulations and further she was not aware that she had to appear in the Hindi examination simultaneously or before passing the Plus one examination. This contention of the petitioner cannot be accepted. A perusal of the various documents referred to above clearly shows that the petitioner was granted provisional admission and she was aware that she had to pass the subject of Hindi prior to or at least simultaneously with the examination to be held for plus one. Respondent No.4 has filed the reply and stated on affidavit that the petitioner and her parents were informed that the petitioner had to pass the examination in Hindi. There is no reason to disbelieve the statement made on affidavit by the Principal of the respondent No.4 Institution.

Keeping in view the fact that the petitioner had not passed the subject of Hindi simultaneously or before Plus one examination, there is no infirmity in the action of the respondent-Board in withholding the result of the petitioner. The writ petition is accordingly dismissed.

CMP No.870 of 2006

In view of the dismissal of the main writ petition, this application does not survive and stands disposed of accordingly.

(Deepak Gupta), J.

December 5, 2006
(D)

(S S Thakur), J.